

EXHIBIT 38

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In re:

W. R. GRACE & CO.,
et al.,

Debtors.

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CASE NO. 01-1139
United States Bankruptcy Court
District of Delaware
(Wilmington)

The videotaped deposition of DR. WALTER ALLEN

OAKS, taken at the law offices of Carr, Allison, Pugh,
Howard, Oliver & Sisson, 7101 Highway 90, Suite 402, Daphne,
Alabama, on the 9th day of March, 2006, commencing at
approximately 9:10 a.m.

COPY

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P.O. BOX 81142
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1 potential causes of that radiographic image?

2 A. It depends on the type of interstitial lung
3 disease that you see.

4 Q. So when looking at -- But in some cases then, when
5 looking at interstitial lung disease, before diagnosing that
6 person as asbestotic, would you consider other potential
7 causes of that appearance?

8 A. You're speaking about when I'm reading a film for
9 asbestosis, or in my medical practice?

10 Q. Your medical practice.

11 A. In your medical practice, you're not looking for
12 asbestosis unless there are findings other than interstitial
13 disease, and the -- you look for everything that may be
14 causing some harm or some disease in the patient.

15 Q. That's a differential diagnosis, correct?

16 A. That is a differential diagnosis.

17 Q. And that's an important component of making a
18 diagnosis in a clinical context, correct?

19 A. Sometimes.

20 Q. So there are instances in which you don't think
21 it's important to conduct a differential diagnosis?

22 A. When it's like this, you don't need a differential
23 diagnosis.

1 A. No.

2 Q. Is that the last conversation you've had with
3 Mr. Gresham?

4 A. Yes, as I recall.

5 Q. I just want to confirm a few more things. You've
6 never performed a physical examination in connection with
7 litigation work, correct?

8 A. Correct.

9 Q. But you do believe a physical examination is
10 important in the diagnosis of asbestos-related diseases,
11 correct?

12 A. A physical examination, in my opinion, is not
13 important in the diagnosis of asbestosis. There is no
14 finding on physical examination that is diagnostic of
15 asbestosis, and there is no finding on physical examination
16 that would exclude the diagnosis of asbestosis. I think
17 it's important only in the manner that you may find
18 something -- some other disease that may contribute to the
19 asbestosis or silicosis.

20 Q. You don't think it's important to listen to an
21 individual's breathing?

22 A. I think that the legal system has established some
23 precedent that if a person has rales in their lung bases,